

R E M A R K S

Entry of this Amendment and reconsideration of this application as amended are respectfully requested.

Claims 1-34 and new claims 35-39 are pending in this application. Claims 1-23, 25-27 and 29 were rejected. Claim 24 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 28 and 30-34 were withdrawn from consideration as being directed to a non-elected species.

Claims 1-10, 19-23, 25 and 29 are amended herein to clarify the embodiments of the invention set forth therein.

RE: ELECTION/RESTRICTION

Claims 28 and 30-34 are withdrawn from consideration at the present time. However, in the event claim 19 as amended is deemed allowable, it is currently generic to the specie to which claim 28 is directed and therefore claim 28 should be considered at that time. Similarly, in the event claim 29 as amended is deemed allowable, it is currently generic to the specie(s) to which claims 30-34 are directed and therefore claims 30-34 should be considered at that time.

RE: DRAWINGS

The drawings were objected to on the grounds that the sensor set forth in claim 32 and the timed-release device described in the specification at page 15, lines 16-22 are not shown.

The motion sensor set forth in claim 32 is shown in Fig. 10, designated by reference numeral 72.

The timed-release device described in the specification is not set forth in any claim.

Therefore, it is respectfully submitted that the Examiner's objection to the drawings has been overcome and should be removed.

RE: CLAIM REJECTIONS

The rejection of claims 1, 2, 7, 8, 10, 11, 16-18 and 29 as being anticipated by Roehrs (USP 1,555,396), the rejection of claims 12-15 as being unpatentable over Roehrs, the rejection of claims 3 and 4 as being unpatentable over Roehrs in view of Levison (USP 5,295,610), the rejection of claims 5, 6 and 9 as being unpatentable over Roehrs in view of Titus (USP 401,313), the rejection of claims 19-21, 23 and 25-27 as being unpatentable over Hahn (USP 4,437,575) in view of Roehrs and the rejection of claim 22 as being unpatentable over Hahn, Roehrs and Titus are respectfully traversed.

With respect to claims 1-18, claim 1 now recites a dispenser including a cartridge module having a lower wall portion and at least one side wall portion defining an interior, and a

dispensing agent arranged therein. The lower wall portion defines a substantially horizontal support surface including at least one dispenser opening. The at least one side wall portion extends inwardly from an upper region thereof to the lower wall portion and is connected at a lower end region to an outer periphery of the lower wall portion. The dispensing agent, in a liquid or powder form, is supported by the support surface of the lower wall portion and the side wall portion(s) and for dispensing, passes through the dispenser opening(s) in the lower wall portion.

Roehrs does not disclose, teach or suggest a dispenser having a lower wall portion with one or more dispenser openings connected to an inwardly extending side wall portion in the manner as set forth in independent claim 1. Rather, Roehrs shows a container 5 having a frusto-conical wall 9 terminating at an opening, a perforated end wall 7 spaced from the opening of wall 9, and a non-perforated guard plate 11 connected to the outer periphery of the wall 9 for preventing the dispensing agent, grass seed, from passing around the wall 9 when the container 5 is turned from a dispensing position to a storage position after use. Since wall 9 is not connected at a lower end region to an outer periphery of perforated end wall 7, the container 5 does not include all of the features set forth in claim 1.

In view of the arguments presented above, it is respectfully submitted that claim 1 and claims 2-18 which depend from claim 1

patentably distinguish over Roehrs, Levison and Titus under 35 USC 102 as well as 35 USC 103.

With respect to claims 19-23 and 25-27, independent claim 19 recites a waste disposal can including a base defining a waste-receiving receptacle and an opening leading to the receptacle, a lid movably mounted to the base and having an open position in which the opening is accessible and a closed position in which the opening is covered, and a dispenser arranged between the base and the lid and at least partially above the opening. The dispenser includes a powder or liquid dispensing agent and regulating means for regulating dispensing thereof based on jarring of the dispenser. The regulating means comprises a support surface on which the dispensing agent is supported and at least one dispenser opening formed in the support surface through which a portion of the dispensing agent falls upon jarring of the dispenser caused, for example, by each movement of the lid to its closed position.

An advantage of the regulated dispensing of the dispensing agent based on jarring of the dispenser is that the dispensing agent is not needlessly used up. Rather, when the lid is closed and jarred against the base, for example after having been opened for insertion of waste into the receptacle at which time the dispensing agent is needed or at least desired, a quantity of the dispensing agent is caused to be released from the dispenser via the opening(s) in the support surface. After jarring of the dispenser, the dispensing agent forms a "bunched-up seal" at the

opening(s) in the support surface which prevents dispensing of the dispensing agent. Only when the dispenser is jarred is the dispensing agent released. In this manner, dispensing of the dispensing agent is regulated or controlled such that when the dispensing agent is needed, e.g., after insertion of waste into the receptacle, the dispenser is jarred and when it is not needed, e.g., when the lid is maintained in a closed position for a number of days or weeks, it is not dispensed. The duration of use of the dispenser is thereby greatly increased over prior art dispensing agents for waste disposal cans which are released irrespective of use of the cans.

The cited prior art, taken individually or in combination, does not disclose, teach or suggest a dispensing including regulating means for regulating the dispensing of a powder or liquid dispensing agent based on jarring thereof. Roehrs relates to a stand-alone grass seed dispenser and does not disclose placement of the dispenser between a base and a lid such that jarring of the dispenser, and dispensing of the grass seed, is caused by movement of the lid to a closed position. Hahn relates to a countertop garbage can which includes a receptacle on the underside of the lid and does not disclose the use of a powder or liquid dispensing agent which dispensing is regulated upon jarring of the dispenser caused for example by closure of the lid against the base.

Since the cited prior art does not disclose all of the features now set forth in claim 19, one skilled in the art could

not modify Hahn in view of Roehrs and Titus and arrive at the embodiments of the invention set forth in claims 19 and 20-23 and 25-27 which depend therefrom.

In view of the arguments presented above, it is respectfully submitted that claim 19 and claims 20-23 and 25-27 which depend therefrom patentably distinguish over Hahn, Roehrs and Titus under 35 USC 103.

With respect to claim 29, this claim now recites a dispensing unit including a dispenser including a powder or liquid dispensing agent and at least one dispenser opening through which the dispensing agent can pass and a housing arranged to removably hold the dispenser. Dispensing of the agent is obtained by jarring the housing or dispenser when held by the housing in order to cause a quantity of the dispensing agent to pass through the dispenser opening(s). The removable nature of the dispenser in the housing enables the dispenser to be removed from the housing when the dispensing agent is exhausted and a replacement dispenser with dispensing agent to be inserted into the housing.

Roehrs does not disclose, teach or suggest any housing to removably hold the dispenser, to enable the dispenser to be removed from the housing when the dispensing agent therein is exhausted.

In view of the arguments presented above, it is respectfully submitted that claim 29 patentably distinguishes over Roehrs under 35 USC 102 as well as 35 USC 103.

NEW CLAIMS

Claims 35-39 are added. Claim 35 depends upon claim 1 and is directed to the feature of at least one removable plug arranged to be inserted into a respective dispenser opening to close the same. Claims 36-38 depend on claims 1, 19 and 29, respectively, and recite that the dispensing agent is a deodorizing or disinfecting agent. Claim 39 is an independent claim including features of original claim 24, which was indicated as being allowable.

CLAIM FEE

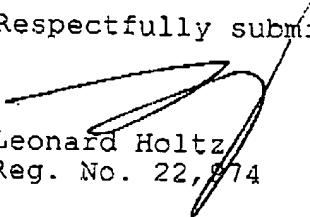
The application previously included 34 claims of which 3 were independent, and the appropriate claim fee was paid for such claims. The application now contains 39 claims, of which 4 are independent. Accordingly, a form 2038 is attached hereto to cover the additional claim fee in the amount of \$225.00 (small entity) for the addition of 1 extra independent claim and 5 extra claims in total. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

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In view of the foregoing, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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